

# COUNCIL COMING ATTRACTIONS





## **Week of July 8, 2019**

**Accessory Apartments, Policing Advisory Commission, Two-Year Budgeting,  
Landscape Contractors, Minority-Owned Businesses, Pesticide Use in Parks,  
High PAH Sealants, MCPS Special Education Services,  
County's Economic Indicators and Fiscal Policy**

Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at: <http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html> .

-  The Council will meet on Tuesday, July 9 at 9:30 a.m.
-  Councilmembers Andrew Friedson and Gabe Albornoz will present a proclamation recognizing National Parks and Recreation Month.

## **COUNCIL**

### **Zoning Text Amendment (ZTA) 19-01, Accessory Residential Uses - Accessory Apartments**

On July 9 at 10 a.m. the Council will continue its review of ZTA 19-01, which would remove the requirement for conditional use approval for all accessory apartments and revise the limited use provisions for attached and detached accessory apartments. Councilmember Hans Riemer is the lead sponsor. The goal of this zoning change is to streamline the process for having an accessory apartment, to help increase the supply of affordable housing. The Planning, Housing and Economic Development (PHED) Committee recommends approval with amendments. The PHED Committee's recommendations are as follows:

1. Revise the maximum gross floor area for an Accessory Apartment (hereafter referred to as ADU (Accessory Dwelling Unit)):
  - a. For attached ADUs, 1,200 square feet of gross floor area; however, if the footprint of the principal structure is greater than 1,200 square feet, an ADU may occupy the basement or cellar of that structure without a square footage limit.

- b. For detached ADUs, the maximum gross floor area (which, under the current Code definition, includes basements and for this purpose would include cellars) must be the least of:
    - i. 50 percent of the gross floor area in the principal dwelling; ▪ 10 percent of the lot area; or
    - ii. 1,200 square feet of gross floor area.
2. Retain the current Code on-site parking requirement for ADUs located more than one mile away from any Metrorail or Purple Line Station. Within one mile of such stations or within the boundaries of the City of Takoma Park, delete the additional on-site parking requirement for an ADU.
3. Retain the current Code prohibition for a newly-constructed ADU entrance on the front (street) side of a dwelling.
4. Allow an ADU up to 32-feet-long without additional setbacks.
5. Allow an accessory structure built before May 31, 2012 to be used as an ADU without regard to setbacks, if it was legally constructed, and there is no increase to the footprint or height of the structure. If it is a structure that violates setbacks, a new window on any wall on the side of any setback violation may not be constructed.
6. Clarify the prohibition on any other rentals on a property where an ADU is licensed.
7. Delete the ownership requirement in ZTA 19-01. (Revise the ownership requirement in the licensing requirements under a Bill to allow the required on-site owner to live either in the ADU or the principal dwelling unit.)

The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709\\_3.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709_3.pdf)

Key search terms for ZTA 19-01 on the Council's website include: in-law suite, cottage, basement apartment, accessory apartments and accessory dwellings. #MoCoTinyHouse is being used for this item on social media.

### **Two-Year Budgeting**

The Council will receive a briefing on the County Executive's proposal for a two-year (biennial) operating budget. Council President Nancy Navarro requested that the County Executive brief the Council on his current thinking regarding implementation of a two-year operating budget. Currently, an operating budget for the County is adopted every fiscal year. Chief Administrative Officer Andrew Kleine and Rich Madaleno, Director of the Office of Management and Budget, will present the County Executive's proposal to the Council. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709\\_7.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709_7.pdf)

## **PUBLIC HEARINGS**

All public hearings will be held on July 9 at 1:30 p.m. unless otherwise indicated.

### **Zoning Text Amendment (ZTA) 19-05, Industrial Zones - Landscape Contractors**

The Council will hold a public hearing on ZTA 19-05, which would allow landscape contractors as a permitted use in all industrial zones. Councilmember Tom Hucker and Council Vice President Sidney Katz are the lead sponsors. Councilmember Will Jawando and Council President Nancy Navarro are cosponsors. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709\\_4.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709_4.pdf)

### **Expedited Bill 15-19, Contracts and Procurement - Minority Owned Businesses - Sunset Date - Amendments**

The Council will hold a public hearing on Bill 15-19, which would extend the sunset date for the County's minority-owned business purchasing program. The lead sponsor is Council President Nancy Navarro, at the request of the County Executive. The goal of Bill 15-19 is to extend the minority-owned business

purchasing program while the County Executive evaluates the need to continue it further. The Council staff report can be viewed at:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709\\_5.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709_5.pdf)

Key search terms for this legislation on the Council's website include the following: minority-owned purchases, minority-owned businesses and County purchases. #MoCoMinorityOwnedBizPurchases is being used for this bill on social media.

**Special appropriation - Dept. of Parks, PLAR - Local Parks: Play Equipment, \$250,000; Urban Park Elements, \$200,000; Josiah Henson Historic Park, \$250,000; Ovid Hazen Wells Recreational Park, \$200,000; Minor New Construction - Non-Local Parks, \$250,000; Acquisition: Local Parks, \$922,000; and Enterprise Facilities Improvements, \$13,500,000**

The Council will hold a public hearing on a special appropriation to the Department of Parks. This appropriation would revise capital projects funded with State funding (State bond bills and grants). The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709\\_6.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709_6.pdf)

### **Bill 14-19, Police - Policing Advisory Commission – Established**

At 7:30 p.m. the Council will hold a public hearing on Bill 14-19, which would establish a 13-member Policing Advisory Commission. The lead sponsor is Councilmember Hans Riemer. Councilmember Will Jawando is a cosponsor. The Policing Advisory Commission would advise the Council on policing matters; provide information on best practices in policing; recommend policies, programs, legislation or regulations; comment on matters referred to it by the Council and conduct at least one public forum each year for community input on policing matters and engage in public education. The group must also provide an annual report to the Executive and Council by July 1. The 13-member commission would include nine appointed public members with an interest in policing matters, with each Councilmember nominating one member. Four members would be nominated by the Executive. Non-voting, ex-officio members would include the police chief or a designee and a representative of an employee organization. Members will serve three-year terms. The goal of Bill 14-19 is to enhance trust and transparency between the police department and community members and to identify best practices in policing. The Council staff report can be viewed at: [https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709\\_9.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2019/20190709/20190709_9.pdf)

Key search terms for this legislation on the Council's website include the following: Policing Advisory Commission, best practices in policing, police oversight, police transparency and police department. #MoCoPolicingAdvisory is being used for this bill on social media. The Council staff report can be viewed here:

## **COMMITTEES**

### **Pesticide Use in Parks**

On July 8 at 9:30 a.m. the Planning, Housing and Economic Development (PHED) and Transportation and Environment (T&E) Committees will receive an update on pesticide use in parks. In 2015, the Council enacted legislation related to pesticide use reduction in County parks. Staff from the Montgomery County Parks Department will update the joint Committee on several initiatives undertaken in response, such as the pesticide-free parks program, a pilot program for reducing pesticide use on playing fields, pesticide usage protocols restricting pesticide use near waterbodies, public notice procedures prior to pesticide applications, and the most recent publication of a semi-annual report on pesticide use and the pesticide-free parks program. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190708/20190708\\_PHEDTE1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190708/20190708_PHEDTE1.pdf)

### **Bill 8-19, Erosion, Sediment Control and Stormwater Management - High PAH Sealants**

On July 8 at 2 p.m. the Transportation and Environment (T&E) Committee will review Bill 8-19, Erosion, Sediment Control and Stormwater Management - High PAH Sealants. Councilmember Craig Rice is the lead sponsor. Bill 8-19 would prohibit the use of a sealant to cover an asphalt or concrete surface, including a driveway or parking area, in the County that contains more than 0.1 percent Polycyclic Aromatic Hydrocarbons (PAH). The bill also would require the director of the Department of Environmental Protection to establish a system to approve alternative sealants that would comply with this law. The goal of this legislation is to help protect the environment by eliminating the introduction of PAH into the environment through asphalt sealants. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190708/20190708\\_TE1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190708/20190708_TE1.pdf)

Key search terms for this legislation on the Council's website include: asphalt, sealant, driveways and parking lots. #AsphaltSealant is being used for this bill on social media.

### **MCPS Special Education Services**

On July 8 at 2 p.m. the Education and Culture (E&C) Committee will review special education services in Montgomery County Public Schools (MCPS). MCPS has been asked to update the Committee on several topics, including:

- MCPS' overall vision and strategy for special education services;
- Special education funding, enrollment and staffing (including the impact of the additional FY20 funding related to the Kirwan Commission legislation);
- An overview of special education programs and services; and
- Special education student performance information.

The MCPS team providing the briefing will be led by Kevin Lowndes, Associate Superintendent in the MCPS Office of Special Education. The Council staff report can be viewed here:

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190708/20190708\\_EC1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2019/20190708/20190708_EC1.pdf)

### **Office of the Inspector General and Office of Internal Audit**

On July 11 at 9:30 a.m. the Audit Committee will receive updates from the Office of the Inspector General (OIG) and the Office of Internal Audit (OIA) about their ongoing activities and reports. The Audit Committee is comprised of the Government Operations and Fiscal Policy (GO) Committee, with the Council President and Vice President as ex-officio voting members. Those expected to attend the meeting including the following: Edward L. Blansitt III, Inspector General; Fariba Kassiri, Assistant Chief Administrative Officer, OIA; William Broglie, Manager, OIA. The Council staff report will be available on July 9.

### **County's Economic Indicators and Fiscal Policy**

On July 11 at 10 a.m. the GO Committee will review the County's economic indicators and fiscal policy. The GO Committee requested this discussion during its review of the Spending Affordability Guidelines for the County's Fiscal Year 2020 Operating Budget. During the Council's review of the operating budget, there are several economic indicators and fiscal policy decisions that impact the amount of resources available for the agencies. Growing the resources available for agencies is important because, as noted by the Council throughout the budget process, the County's ability to provide a high-level of service is connected to the resources available. This discussion will be a primer for future discussions related to other fiscal policy discussions that the GO Committee will schedule in the fall and beyond. Those expected to attend include David Platt, Chief Economist, and Chris Mullin, Lead Fiscal and Policy Analyst, Office of Management and Budget. The Council staff report will be available on July 9.